

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
CENTRAL DIVISION

FILED
CLERK

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Robert J. Killion, Jr.
Plaintiff,

v.

Mainship Corporation and
Commonwealth Yachts
Defendants.

Civil Action No. 04-40256-FDS

**PLAINTIFFS MOTION FOR AN EXTENSION OF
TIME TO FILE OPPOSITION**

The plaintiff, Robert J. Killion, Jr (the "Plaintiff") hereby moves this Court for an extension of time to file an Opposition to the Defendant, Commonwealth Yachts, Motion to Dismiss up to and including Friday, February 4, 2005.

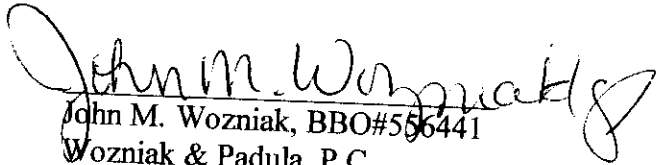
In support of this motion, the Plaintiff states that due to weather conditions and schedules, the Plaintiff has not had an opportunity to review the pleadings filed by the Defendant in this matter.

At this point in time, the Plaintiff has possession of the pleadings filed by Commonwealth Yachts and it is reasonably believed that he will be able to formulate a response and have it filed with the Court no later than Friday, February 4, 2005. In further support of this motion, the Plaintiff states that although he had been unable to contact Defendants counsel to request the courtesy of extending the time to respond to this motion, counsel has provided numerous extensions of time regarding the initial response to the Complaint.

There will no prejudice to any party in the event this motion is allowed.

WHEREFORE, the Plaintiff respectfully requests up to and including February 4, 2005 to file an opposition to the defendant, Commonwealth Yachts Motion to Dismiss and grant such other and further relief as is meet and just.

Respectfully Submitted,
The Plaintiff,
By His Attorney,



John M. Wozniak, BBO#556441
Wozniak & Padula, P.C.
82 Cape Road
Mendon, MA 01756
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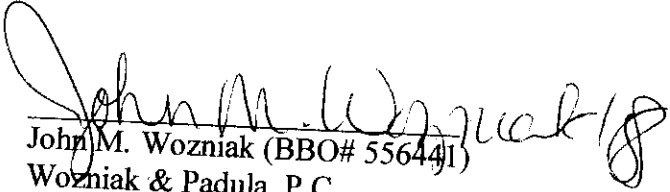
Dated: January 31, 2005

CERTIFICATE OF SERVICE

I, John M. Wozniak, hereby certify that a true and accurate copy of the forgoing Motion was served on the below-indicated parties via facsimile and regular mail, postage prepaid this 31st day of January, 2005.

Peter M. Durney, Esquire
Cornell & Gollub
75 Federal Street
Boston, MA 02110

Robert S. White, Esquire
Bourgeois Dresser & White
4 Dix Street
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